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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

WANG, Xuemin et al.

Serial No. : 09/817,869

Filed: March 26, 2001

**DROUGHT TOLERANT PLANTS AND
METHODS OF INCREASING DROUGHT
TOLERANCE IN PLANTS**

Docket No. 30509

Group Art Unit 1632

Examiner: Nancy Johnson

Assistant Commissioner of Patents
Washington, D.C. 20231

SEP 16 2002

Sir:

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

1. A decision on a Petition to Correct the Alleged Omission of Items and Evidence of the Inclusion of the Allegedly Omitted Items in the Application as Filed was mailed on September 13, 2002.
2. This decision acknowledged that the Sequence Listing in computer readable form had been submitted as required by 37 CFR 1.821(e).
3. This decision also noted that the evidence submitted with the Petition was insufficient to prove that drawing Figures 2-5 were included with the application as filed. The basis for this decision was that Figures 4 and 5 were contained on the

same page in the petition which would result in a total of 23 pages and not the 24 alleged by petitioner.

4. Upon a review of the figures submitted with the petition, it was noted that Figures 4 and 5 were combined on the same page. However, in the application as filed, Figures 4 and 5 were contained on separate pages. The drawing figures are identical with the exception being that the figures included with the petition were shrunk and placed on a single page.
5. Submitted herewith are copies of Figures 2 - 5 as they were filed with the application. This brings the total number of drawing sheets to 24 which coincides with petitioner's allegations and the evidence contained on the postcard receipt.
6. With respect to Figure 3, the figure submitted with the petition is a black and white photograph illustrating protein immunoblotting of leaf proteins with a specific antibody. The quality of this photocopy of a photograph is poor but is representative of the figure as submitted. If requested applicant will attempt to submit a clearer copy. Additionally, it is noted that the Figure 3 submitted with the petition included a reference arrow which was not included with Figure 3 as filed. This discrepancy arose by making a photocopy of an electronic file of the photograph which included the reference arrow. However, this reference arrow was removed in the application as filed as it was merely pointing to the immunoblot. The photograph of the immunoblot itself is identical.

7. Accordingly, applicant requests that the decision on the petition be reversed with respect to the dismissal of the petition regarding the inclusion of the figs 2-5.
8. Should any questions remain the Petitions Attorney is encouraged to contact the undersigned directly at 816/474-9050.

Respectfully submitted,

HOVEY WILLIAMS LLP

By



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Fig. 2

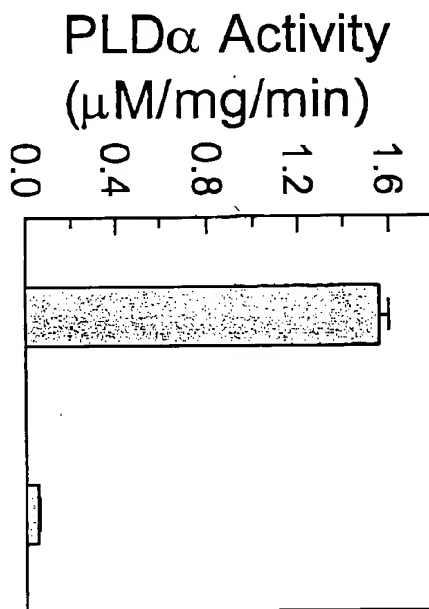


Fig. 3



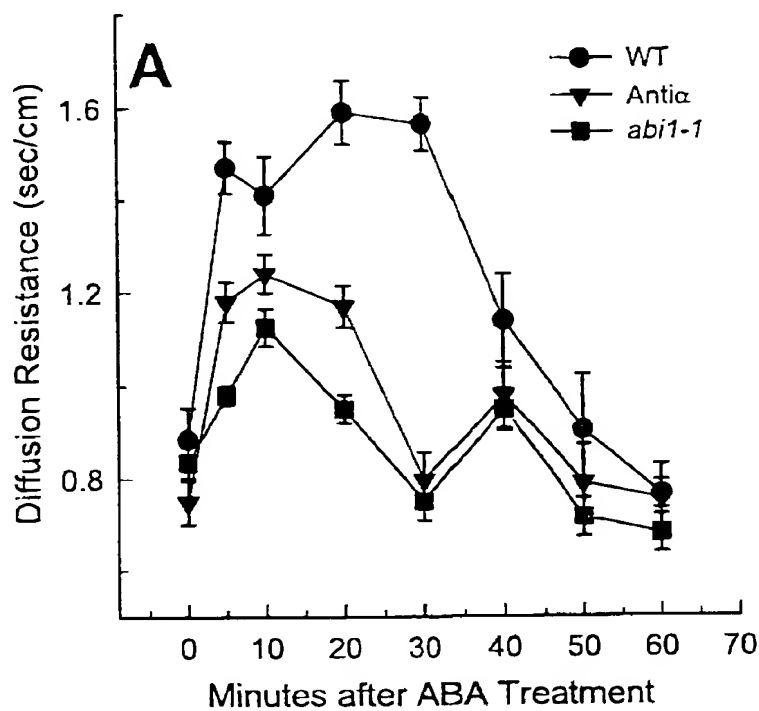


Fig. 4

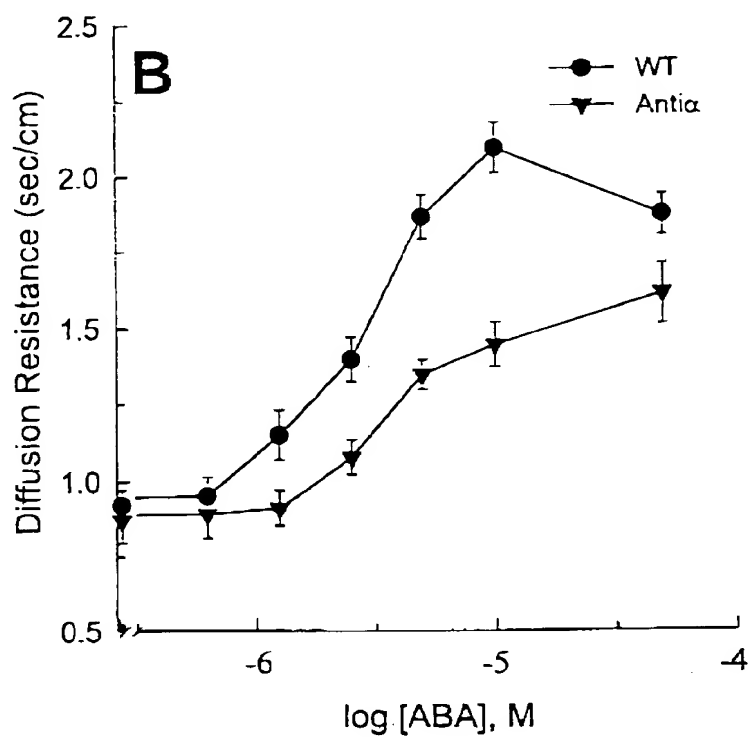


Fig. 5

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Date: September 18, 2002

Total Number of Pages Including Cover Page: 8 Pages

To: Assistant Commissioner for Patents

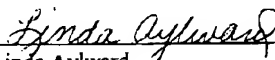
ATTN: Petitions Attorney
 Nancy Johnson

RE: Application for U.S. Letters Patent
 Serial No.: 09/817,869
 Filed: March 26, 2001
 Inventor: WANG, Xuemin et al.
 Title: DROUGHT TOLERANT PLANTS AND METHODS OF INCREASING
 DROUGHT TOLERANCE IN PLANTS
 Docket No. 30509

Telecopy Number: 703/308-6916

CERTIFICATE OF TELEFACSIMILE TRANSMISSION

I hereby certify that this Request for Consideration of Decision on Petition and Drawing Figures 2, 3, 4, and 5 are being transmitted via telefacsimile to the United States Patent and Trademark Office, Fax Number 703/308-6916 on the date shown below.


 Linda Aylward

September 18, 2002
 Date

PLEASE CALL THE ABOVE NOTED NUMBER IF YOU DO NOT RECEIVE ALL PAGES.